



**U.S. Immigration  
and Customs  
Enforcement**

May 9, 2012

JASON SMATHERS  
MUCKROCK  
185 BEACON STREET #3  
SOMERVILLE, MA 02143

**Re: ICE FOIA Request Number 2011FOIA10437  
USCIS FOIA Request Number COW2011000494**

Dear Mr. Smathers:

This letter is a supplemental response to your Freedom of Information Act (FOIA) request, dated June 3, 2011, to the U.S. Citizenship and Immigration Services (USCIS), for an index, log, or other listing of all "Mariel" cases including the Alien's date of birth and a case identifier such as an alien identification number.

You have requested that we reprocess the request to release certain information regarding any individuals listed in the previous release whose birth was more than 100 years old [at the time of the request]. The records have been reprocessed accordingly resulting in the release of the birthdate for three individuals.

Your request has been processed under the FOIA, 5 U.S.C. § 552.

After a supplemental review of the 3 spreadsheets previously provided by ERO, I have determined that portions of two (2) spreadsheets will be withheld under Title 5 U.S.C. § 552 (b)(6) and (b)(7)(C) of the FOIA.

ICE has applied Exemptions 6 and 7(C) to protect from disclosure the dates of birth and Alien Identification Numbers of the third parties contained within the documents. Consistent with ICE's past practice, all third party A-numbers are withheld in order to protect the individuals and their survivors from fraudulent misuse.

**FOIA Exemption 6** exempts from disclosure personnel or medical files and similar files the release of which would cause a clearly unwarranted invasion of personal privacy. This requires a balancing of the public's right to disclosure against the individual's right privacy. The types of documents and/or information that we have withheld may consist of social security numbers, home addresses, dates of birth, or various other documents and/or information belonging to a third party that are considered personal. The privacy interests of the individuals in the records you have requested outweigh any minimal public interest in disclosure of the information. Any

private interest you may have in that information does not factor into the aforementioned balancing test.

**Exemption 7(C)** protects records or information compiled for law enforcement purposes that could reasonably be expected to constitute an unwarranted invasion of personal privacy. This exemption takes particular note of the strong interests of individuals, whether they are suspects, witnesses, or investigators, in not being unwarrantably associated with alleged criminal activity. That interest extends to persons who are not only the subjects of the investigation, but those who may have their privacy invaded by having their identities and information about them revealed in connection with an investigation. Based upon the traditional recognition of strong privacy interest in law enforcement records, categorical withholding of information that identifies third parties in law enforcement records is ordinarily appropriate. As such, I have determined that the privacy interest in the identities of individuals in the records you have requested clearly outweigh any minimal public interest in disclosure of the information. Please note that any private interest you may have in that information does not factor into this determination.

Provisions of the FOIA allow us to recover part of the cost of complying with your request. In this instance, because the cost is below the \$14 minimum, there is no charge.

If you need to contact our office about this matter, please refer to case number **2011FOIA10437**. This office can be reached at (202) 732-0600 or (866) 633-1182.

Sincerely,

A handwritten signature in black ink, appearing to read 'Catrina M. Pavlik-Keenan', followed by a horizontal line.

Catrina M. Pavlik-Keenan  
FOIA Officer

Enclosure(s): 3 Excel Spreadsheets on 1 CD